

# EXHIBIT A

## DASCAL LAW LLC

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August 5, 2022

**Via Personal Service**

ABC LLC d/b/a Kids Empire  
1515 US-22  
Watchung, NJ 07069

**Re: Williams and Vargas v. ABC LLC d/b/a Kids Empire and Elbaz**  
**Docket No.: ESX-L-4586-22**

To Whom It May Concern:

I represent the Plaintiffs, Dwayne Williams and Karla Vargas. You are being sued.  
Attached is the following:

1. Summons;
2. Complaint;
3. Case Information Statement; and
4. Plaintiffs' First Interrogatories and Document Requests.

Regards,

/s/ Jordan B. Dascal

Jordan B. Dascal, Esq.

Jordan B. Dascal – NJAID #903842012

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Attorney for Plaintiffs

Dwayne Williams and Karla Vargas,

Plaintiffs,

vs.

ABC LLC d/b/a Kids Empire and Haim

Elbaz,

Defendants.

Superior Court of New Jersey

Essex County, Law Division

Docket No.: ESX-L-4586-22

Civil Action

**Summons**

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If



judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

Dated: 8/5/22

/s/ Michelle M. Smith  
Clerk of the Superior Court

Defendant to Be Served:

ABC LLC d/b/a Kids Empire  
1515 US-22  
Watchung, NJ 07069

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Superior Court of New Jersey  
Essex County, Law Division

Docket No.:

Civil Action

Complaint and Jury Demand

Plaintiffs say by way of complaint against the Defendants:

1. Dwayne Williams and Karla Vargas ("Plaintiffs") worked for ABC LLC d/b/a Kids Empire ("Kids Empire") in New Jersey.
2. Plaintiffs' employment was terminated by Defendants because they complained about Kids Empire operating their business illegally, in violation of fire-safety and covid-safety legal requirements.
3. Kids Empire is a business which offers indoor playgrounds for small children, and related services such as birthday party hosting.
4. Kids Empire does business in Essex County, New Jersey.
5. Plaintiffs were both working at Kids Empire on February 8, 2022.
6. During the day, the facility began to near its maximum fire capacity of 374



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people.

7. Realizing that Kids Empire had a party scheduled for about 264 additional people within hours, Williams spoke with his manager about the overcapacity issue.

8. Williams received permission to put up a sign on the door, saying that they were closed to normal patrons who were not part of a party.

9. Kids Empire corporate headquarters remotely monitors local Kids Empire locations via surveillance camera.

10. Upon realizing that customers were being limited in the store, they called the local store and demanded that the sign be removed and all customers let in.

11. Kids Empire corporate explained that they were not allowed to refuse any customers without its written approval, for any reason, even if the store was going to exceed fire capacity and even if customers were refusing to wear masks.

12. Later that day, Defendant Haim Elbaz, the founder and CEO of Kids Empire, posted about the issue on an internal company message board for employees known as Connecteam.

13. He wrote that local Kids Empire stores were not permitted to bar customers for any reason without prior written approval from Kids Empire corporate.

14. A number of employees posted responses, including Plaintiffs.

15. Vargas complained about the policy by pointing out how it made little sense, as there was no guidance given on prohibiting new customers when the facility was clearly overcrowded.

16. Williams complained about the policy too, noting that the place had a maximum

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legal capacity of 374 people.

17. Williams also complained about Kids Empire's mask policy.

18. At the time, Executive Order 163 was in effect, generally mandating that Kids Empire employees and customers wear masks in the facility.

19. At the time, Kids Empire's website advertised that masks were mandatory.

20. However, Kids Empire made no effort at all to enforce the mask requirement.

21. Instead, it prohibited its employees from enforcing the mask mandate in any way, including barring its employees from refusing service or entry to patrons who would not wear a mask.

22. Soon after, Kids Empire deleted the post by Elbaz and the replies made by employees including Plaintiffs.

23. This was done by Kids Empire in an effort to conceal their illegal, greedy policy of trying to cram in as many people into its facilities as possible, despite the practice being illegal and dangerous because it violated fire-safety and covid-safety legal requirements.

24. Hours later, Plaintiffs were fired by Kids Empire.

25. Other employees who made similar posts as Plaintiffs were also fired.

26. Upon information and belief, Elbaz made the decision to illegally fire these employees.

27. Plaintiffs were fired because of the complaints they made about Defendants' actions set forth above.

**Count One**

(New Jersey Conscientious Employee Protection Act)

28. Plaintiffs restate their allegations set forth above.



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29. Plaintiffs complained to Defendants about overcrowding issues beyond maximum fire occupancy limitations and their failure to enforce mask mandates at Kids Empire.

30. Plaintiffs reasonably believed these actions by Defendants were in violation of a law or rule or regulation issued under the law; or were incompatible with a clear mandate of public policy concerning public health, safety, or welfare; such as fire safety codes and Executive Order 163.

31. As a result of their complaints, Plaintiffs were fired.

32. Plaintiffs were damaged as a result.

Wherefore Plaintiffs demand judgment against the Defendants for all damages, interest, attorneys' fees, costs, and other relief as the Court may deem just and proper.

#### **JURY DEMAND**

Plaintiffs demand a trial by jury on all issues so triable.

#### **DESIGNATION OF TRIAL COUNSEL**

Jordan B. Dascal, Esq. is designated as trial counsel.

#### **CERTIFICATION**

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, pending or contemplated, and that no other parties should be joined in this action.

Dated:

/s/ Jordan B. Dascal  
Jordan B. Dascal, Esq.